IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 7378 of 1997

Between:

S.Sreenivasulu, S/o Muneppa, R/o Anantapur.

..... PETITIONER

AND

Principal, J.N.T.U.College of Engineering, Anantapur.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus, declaring the action of the respondent in not implementing the G.O.Ms.No.115, Women's Development Child Welfare & Labour (WH.Desk) Department dt.30-07-1991, as illegal, arbitrary and cannot stand to legal scrutiny and further direct the respondent to appoint the petitioner as Gardener under physically handicapped quota as prescribed under G.O.Ms.No.115, Women's Development Child Welfare & Labour (WH.Desk) Department dt.30-07-1991.

Counsel for the Petitioner:MR.A.BHASKARA CHARY

Counsel for the Respondent: Mr.KODANDA RAM

The Court made the following :

_

_

_

_

O R D E R:

Heard both sides.

The petitioner, who is a physically handicapped person, filed this writ petition, *inter alia,* seeking a Mandamus to declare the action of the respondent in not implementing the G.O.Ms.No.115 Women's Development Child Welfare & Labour (WH.Desk) Department dated 30-07-1991 as illegal and arbitrary and consequently to direct the respondent to consider the case of the petitioner under physically handicapped quota.

The case of the petitioner is that the respondent issued a notification dated 08-07-1996 calling upon the candidates for the post of Gardener. The petitioner applied for the same and the respondent called him to attend an interview on 07-08-1996 and accordingly he has attended the interview on that day. The respondent selected the candidates for the post and issued appointment orders. As the petitioner did not receive any appointment order, the petitioner made an application on 19-08-1996 to the Assistant Director, Welfare of handicapped, Anantapur, whereupon proceedings dated 20-08-1996 were issued requesting the respondent to fill up a vacancy under physically handicapped quota. Thereafter also, the respondent failed to consider the case of the petitioner. Hence, the writ petition.

It is further pointed out that in spite of the interim order dated 15-04-1997 granted by this Court in W.P.M.P.No.8920 of 1997 directing the respondent to implement the rule of reservation for physically handicapped persons while filling up the posts of Gardeners and also consider the case of the petitioner in that quote, the respondent did not accede there to.

In the counter-affidavit filed by the respondent, it is stated that the aforesaid reservation contemplated for disabled persons could not be given effect to at the relevant point of time. However, as and when vacancy arises, the said reservation will be given effect to.

Having considered the submissions made on either side and on perusal of the material on record and especially, in view of the statement specifically made in the counter-affidavit agreeing to follow the reservation as contemplated in G.O.Ms.No.115 dated 30-07-1991, I feel it is not necessary to go into the merits of the case.

The writ petition is disposed of directing the respondent to consider the case of the petitioner as and when the vacancy arises under physically handicapped quota as per G.O.Ms.No.115 dated 30-07-1991. No costs.

(**B. PRAKASH RAO, J**)

Date: 26-11-2004

ghn

To

1. The Principal, J.N.T.U.College of Engineering, Anantapur.

2. Two C.D copies.